

# Senate File 458 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON WAYS AND  
MEANS

(SUCCESSOR TO SF 362)  
(SUCCESSOR TO SSB 1273)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act authorizing cities to establish storm water drainage  
2 system utility districts for purposes of special assessments.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2084SZ 83  
5 md/sc/8

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1 1 Section 1. Section 384.38, subsection 3, Code 2009, is  
1 2 amended to read as follows:  
1 3 3. A city may establish, by ordinance or by resolution  
1 4 adopted as an ordinance after twenty days' notice published in  
1 5 accordance with section 362.3, and a public hearing, one or  
1 6 more districts and schedules of fees for the connection of  
1 7 property to the city sewer utility, or water utility, or storm  
1 8 water drainage system utility. If the governing body directs  
1 9 that notice be made by mail, the notice shall be as required  
1 10 in section 384.50. Each person whose property will be served  
1 11 by connecting to the city sewer utility, or water utility, or  
1 12 storm water drainage system utility shall pay a connection fee  
1 13 to the city. The ordinance shall be certified by the city and  
1 14 recorded in the office of the county recorder of the county in  
1 15 which a district is located. The connection fees are due and  
1 16 payable when a utility connection application is filed with  
1 17 the city. A connection fee may include the equitable cost of  
1 18 extending the utility to the properties, including reasonable  
1 19 interest from the date of construction to the date of payment.  
1 20 All fees collected under this subsection shall be paid to the  
1 21 city treasurer. The moneys collected as fees shall only be  
1 22 used for the purposes of operating the utility, or to pay debt  
1 23 service on obligations issued to finance improvements or  
1 24 extensions to the utility.  
1 25 This subsection shall not apply when a city annexation plan  
1 26 includes annexation of an area adjoining the city and a  
1 27 petition has not been presented as provided in section 384.41  
1 28 for a city sewer utility, or water utility, or storm water  
1 29 drainage system utility connection. Until annexation takes  
1 30 place, or the annexation plan is abandoned, the state mandate  
1 31 contained in section 455B.172, subsections 3, 4, and 5, shall  
1 32 not apply unless the individual property owner voluntarily  
1 33 pays the connection fee and requests to be connected to the  
1 34 city sewer utility, or water utility, or storm water drainage  
1 35 system utility.

## EXPLANATION

2 1 Current law provides cities the authority to establish, by  
2 2 ordinance after notice and a public hearing, one or more  
2 3 districts and schedules of fees for the connection of property  
2 4 to the city sewer or water utility. Each person whose  
2 5 property will be served by connecting to the city sewer or  
2 6 water utility is required to pay a connection fee to the city  
2 7 when the application for connection is filed. A connection  
2 8 fee may include the equitable cost of extending the utility to  
2 9 the properties, including reasonable interest from the date of  
2 10 construction to the date of payment.  
2 11 This bill authorizes cities to establish districts and  
2 12 schedules of fees for the connection of property to storm  
2 13 water drainage system utilities using the same procedure and  
2 14

2 15 requirements that currently exist for city sewer and water  
2 16 utility districts.  
2 17 LSB 2084SZ 83  
2 18 md/sc/8